



MONROE CITY COUNCIL

Agenda Bill No. 20-044

SUBJECT:	Ordinance No. 002/2020, Amending MMC 2.40, Legal Representation; Final Reading
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DATE:	DEPT:	CONTACT:	PRESENTER:	ITEM:
03/10/2020	Human Resources Finance	Ben Warthan Becky Hasart	Becky Hasart	Consent Agenda #9

Discussion: 02/25/2020; 03/10/2020
First Reading: 02/25/2020
Attachments: 1. Ordinance No 002/2020

REQUESTED ACTION: Move to adopt Ordinance No 002/2020, Amending Chapter 2.40 MMC Legal Representation; Clarifying the Scope of the City's Legal Representation Obligation for Claims Against City Officials and Employees; Providing for Severability; and Establishing an Effective Date.

POLICY CONSIDERATION

RCW 35A.11.020 provides that the City Council has the power to organize and regulate its internal affairs and to define the functions, powers, and duties of its officers and employees within the provisions of RCW 35A, which governs optional code cities. This would also include defining which positions, both appointed and contracted, would be allowed legal representation while performing their respective duties in good faith.

DESCRIPTION/BACKGROUND

Monroe Municipal Code Chapter 2.40 provides for legal representation of the City's appointed officials and employees. This chapter was not updated to include the Municipal Judge when the City began to operate its proprietary court. With the recent change in the appointed Municipal Judge, a review of the various relevant code sections brought this housekeeping item to staff's attention.

First Reading of this ordinance was accepted on February 25, 2020; and there have been no changes since that time.

FISCAL IMPACTS

None.

TIME CONSTRAINTS

This item should be done as quickly as possible as the Municipal Judge has been appointed and approved.

ALTERNATIVES

None. This item is a housekeeping matter.

**CITY OF MONROE
ORDINANCE NO. 002/2020**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONROE, WASHINGTON, AMENDING CHAPTER 2.40 MMC LEGAL REPRESENTATION; CLARIFYING THE SCOPE OF THE CITY'S LEGAL REPRESENTATION OBLIGATION FOR CLAIMS AGAINST CITY OFFICIALS AND EMPLOYEES; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City has adopted and codified at Chapter 2.40 MMC local standards and procedures governing the City's provision of legal representation for City officials and employees who face claims arising out of their service or employment; and

WHEREAS, the City Council desires to amend Chapter 2.40 MMC in order to clarify that the judges and judges pro tempore of the City's Municipal Court are entitled to legal representation under that chapter.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MONROE, WASHINGTON, HEREBY ORDAINS AS FOLLOWS:

Section 1. Amendment of MMC 2.40.010. Section 2.40.010 of the Monroe Municipal Code is hereby amended to provide in its entirety as follows:

As used in this chapter, "officials and employees" means all elected city officials, including the mayor and members of the city council, together with the city administrator, the building official, the city attorney, the public works superintendent, the city engineer, the city planner, the director of community development, the city clerk, the city finance director, the risk manager, the police chief, **the judge and judges pro tempore of the municipal court**, all other full-time and part-time employees of the city not specifically identified, and any person appointed by the mayor or city council to serve on a city board, committee or commission.

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by State or federal law or regulation, such decision or pre-emption shall not affect the validity or enforceability of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 3. Effective Date. This ordinance shall be in full force and effect five (5) days from and after its passage and approval and publication as required by law.

PASSED by the City Council and APPROVED by the Mayor of the City of Monroe, at a regular meeting held this _____ day of _____, 2020.

First Reading: 02/25/2020
Adoption: 03/10/2020
Published: 03/13/2020
Effective: 03/18/2020

CITY OF MONROE, WASHINGTON:

(SEAL)

Geoffrey Thomas, Mayor

ATTEST:

APPROVED AS TO FORM:

Elizabeth M. Adkisson, MMC, City Clerk

J. Zachary Lell, City Attorney